

H. R. 13798, "Central Intelligence Disclosure Act"

OLC
7D35

6136

4 April 1974

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Chairman Hébert has requested Agency comments concerning the attached bill, H. R. 13798. Also attached are copies of the basic Agency statutory authorities referred to in the bill. Your comments are requested in order that we may prepare the necessary reply.

We would appreciate receiving your comments by 18 April 1974.

STATINTL



Assistant Legislative Counsel

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

H. R. 13798, "Central Intelligence Disclosure Act"

FROM:

OLC
7D35

EXTENSION

6136

NO.

DATE

4 April 1974

TO: (Officer designation, room number, and building)

DATE

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OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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STATINTL

93d CONGRESS
2d SESSION

H. R. 13798

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 1974

MR. DELLUMS introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To provide for disclosure of information by executive departments to committees of Congress.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Central Intelligence
4 Agency Disclosure Act".

5 SEC. 2. Section 2953 of title 5, United States Code, is
6 amended by inserting the following new subsection:

7 “(c) Notwithstanding subsection (b) or any other pro-
8 vision of law, the Central Intelligence Agency or a Govern-
9 ment controlled corporation shall provide a report as described
10 in subsection (a) upon the request of the chairperson of a

tion over matters relating to such Agency or corporation.”.

SEC. 3. Section 4 (a) of the Act of August 28, 1958, entitled “An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense” (50 U.S.C. 1434), is amended by inserting at the end thereof the following: “Notwithstanding any other law, any such information omitted from a report shall be provided upon request to the chairperson of a congressional committee or subcommittee when such information relates to any matter within the jurisdiction of such committee or subcommittee. Such information shall not be published pursuant to subsection (b).”.

SEC. 4. Section 7 of the Central Intelligence Agency Act of 1949 is amended by inserting at the end thereof the following: “Notwithstanding any other law, the Director shall provide any information upon request to the chairperson of any congressional committee or subcommittee relating to any matter within the jurisdiction of such committee or subcommittee.”.

SEC. 5. Section 10 (b) of the Central Intelligence Agency Act of 1949 is amended by adding at the end thereof the following: “Notwithstanding the preceding sentence, when requested by the chairperson of a congressional committee or subcommittee the Director shall provide information within the jurisdiction of such committee or subcommit-

1 tee which will enable it to determine whether the expenditure
2 of funds by the Agency conforms to the authorized functions
3 of the Agency and the congressional intent in establishing
4 the Agency.”.

93rd CONGRESS
2^d Session

H. R. 13798

A BILL

To provide for disclosure of information by
executive departments to committees of
Congress.

By Mr. DELUGAS

MARCH 27, 1974

Referred to the Committee on Armed Services

5 § 2952

EMPLOYEES

Ch. 29

Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301.

This section was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5

U.S.C. 171-1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title but is not repealed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 2953. Reports to Congress on additional employee requirements

(a) Each report, recommendation, or other communication, of an official nature, of an Executive agency which—

(1) relates to pending or proposed legislation which, if enacted, will entail an estimated annual expenditure of appropriated funds in excess of \$1,000,000;

(2) is submitted or transmitted to Congress or a committee thereof in compliance with law or on the initiative of the appropriate authority of the executive branch; and

(3) officially proposes or recommends the creation or expansion, either by action of Congress or by administrative action, of a function, activity, or authority of the Executive agency to be in addition to those functions, activities, and authorities thereof existing when the report, recommendation, or other communication is so submitted or transmitted;

shall contain a statement, concerning the Executive agency, for each of the first 5 fiscal years during which each additional or expanded function, activity, or authority so proposed or recommended is to be in effect, setting forth the following information—

(A) the estimated maximum additional—

(i) man-years of civilian employment, by general categories of positions;

(ii) expenditures for personal services; and

(iii) expenditures for all purposes other than personal services;

which are attributable to the function, activity, or authority and which will be required to be effected by the Executive agency in connection with the performance thereof; and

(B) such other statement, discussion, explanation, or other information as is considered advisable by the appropriate authority of the executive branch or that is required by Congress or a committee thereof.

Ch. 29

(b) Subject

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(2) a

(3) tl

Pub.L. 89-554,

Derivation: 1

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Explanatory Note

In subsection (a) "agency" are substituted for "executive branch" the executive branch of the Government (including the Government-owned by the of the definition in section 103. Government-owned by subsection (b) (2)

§ 2954.

An Executive Operations of members thereof, of the information received of the

Derivation: 1

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Explanatory Notes

The words "Executive" are substituted for "executive branch" the definition of section 103.

The words "Operations of the" are substituted for "operations of the" the authority of Congress, adopted

Ch. 29

Ch. 29

REPORTS

5 § 2954

which provides "Except to inconsistent with the provisions of title IV of the Act as now or hereafter shall be applicable to the Department of Defense" is omitted from title is not repealed.

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Additional employee require-

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Congress or a committee the initiative of the approach; and

ends the creation or expansion by administrative action, of the Executive agency to activities, and authorities recommendation, or other submitted;

Executive agency, for each each additional or expanded sed or recommended is to be ration—

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employment, by general cate-

d services; and

urposes other than personal

ion, activity, or authority and ed by the Executive agency in hereof; and

ssion, explanation, or other in- ble by the appropriate author- it is required by Congress or a

(b) Subsection (a) of this section does not apply to—

(1) the Central Intelligence Agency;

(2) a Government controlled corporation; or

(3) the General Accounting Office.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 413.

Historical and Revision Notes

Reviser's Notes

Derivation: United States Code
5 U.S.C. 612a

Revised Statutes and Statutes at Large
July 23, 1950, ch. 730, § 1, 70 Stat. 632.

Explanatory Notes.

In subsection (a), the words "Executive agency" are substituted for "department, agency, or independent establishment of the executive branch of the Federal Government (including any corporation wholly owned by the United States)" in view of the definition of "Executive agency" in section 105. The exception of "a Government controlled corporation" in subsection (b) (2) is added to preserve

the application to corporations wholly owned by the United States.

The exception of "the General Accounting Office" in subsection (b) (3) is added to preserve application to the executive branch.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 2954. Information to committees of Congress on request

An Executive agency, on request of the Committee on Government Operations of the House of Representatives, or of any seven members thereof, or on request of the Committee on Government Operations of the Senate, or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee. Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 413.

Historical and Revision Notes

Revisers' Notes

Derivation: United States Code
5 U.S.C. 105a

Revised Statutes and Statutes at Large
May 29, 1928, ch. 901, § 2, 45 Stat. 696.

Explanatory Notes.

The words "Executive agency" are substituted for "executive department and independent establishment" in view of the definition of "Executive agency" in section 105.

The words "Committee on Government Operations of the House of Representatives" are substituted for "Committee on Expenditures in the Executive Departments of the House of Representatives" on authority of H.Res. 647 of the 82d Congress, adopted July 3, 1952.

The words "Committee on Government Operations of the Senate" are substituted for "Committee on Expenditures in the Executive Departments of the Senate" on authority of S.Res. 260 of the 82d Congress, adopted Mar. 3, 1952.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

972

PUBLIC LAW 85-804—AUG. 28, 1958

[72 STAT.]

Public Law 85-804

August 28, 1958
[H. R. 12894]

AN ACT

To authorize the making, amendment, and modification of contracts to facilitate the national defense.

National de-
fense.
Contract authori-
zation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President may authorize any department or agency of the Government which exercises functions in connection with the national defense, acting in accordance with regulations prescribed by the President for the protection of the Government, to enter into contracts or into amendments or modifications of contracts heretofore or hereafter made and to make advance payments thereon, without regard to other provisions of law relating to the making, performance, amendment, or modification of contracts, whenever he deems that such action would facilitate the national defense. The authority conferred by this section shall not be utilized to obligate the United States in an amount in excess of \$50,000 without approval by an official at or above the level of an Assistant Secretary or his Deputy, or an assistant head or his deputy, of such department or agency, or by a Contract Adjustment Board established therein.

Restrictions.

SEC. 2. Nothing in this Act shall be construed to constitute authorization hereunder for—

(a) the use of the cost-plus-a-percentage-of-cost system of contracting;

(b) any contract in violation of existing law relating to limitation of profits;

(c) the negotiation of purchases of or contracts for property or services required by law to be procured by formal advertising and competitive bidding;

(d) the waiver of any bid, payment, performance, or other bond required by law;

(e) the amendment of a contract negotiated under section 2304 (a) (15), title 10, United States Code, or under section 302 (c) (13) of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377, 394), to increase the contract price to an amount higher than the lowest rejected bid of any responsible bidder; or

(f) the formalization of an informal commitment, unless it is found that at the time the commitment was made it was impracticable to use normal procurement procedures.

70A Stat. 128.

41 USC 252.

Public record.

SEC. 3. (a) All actions under the authority of this Act shall be made a matter of public record under regulations prescribed by the President and when deemed by him not to be detrimental to the national security.

Examination of
records by Com-
ptroller General.

(b) All contracts entered into, amended, or modified pursuant to authority contained in this Act shall include a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

Report to Con-
gress.

SEC. 4. (a) Every department and agency acting under authority of this Act shall, by March 15 of each year, report to Congress all such actions taken by that department or agency during the preceding calendar year. With respect to actions which involve actual or

potential cost to the United States in excess of \$50,000, the report shall—

- (1) name the contractor;
- (2) state the actual cost or estimated potential cost involved;
- (3) describe the property or services involved; and
- (4) state further the circumstances justifying the action taken.

With respect to (1), (2), (3), and (4), above, and under regulations prescribed by the President, there may be omitted any information the disclosure of which would be detrimental to the national security.

(b) The Clerk of the House and the Secretary of the Senate shall cause to be published in the Congressional Record all reports submitted pursuant to this section.

SEC. 5. This Act shall be effective only during a national emergency declared by Congress or the President and for six months after the termination thereof or until such earlier time as Congress, by concurrent resolution, may designate.

Approved August 28, 1958.

Effective period.

Public Law 85-805

AN ACT

August 28, 1958
[S. 3534]

To authorize the Secretary of the Army to convey approximately 181 acres of land at Fort Crowder Military Reservation to the city of Neosho, Missouri.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within one year from the date of enactment hereof the Secretary of the Army shall, upon payment of fair value as determined by him, convey to the city of Neosho, Missouri, all right, title, and interest of the United States in and to that portion of the Fort Crowder Military Reservation consisting of approximately 181 acres of land in the northwest portion of the reservation bounded on one side by United States Highway numbered 71 to a depth of approximately 5,817 feet along the reservation boundary to the right-of-way of the Kansas City Southern Railroad and shown on sheet 2 of Kansas City District Engineer drawing numbered 18-02-02, dated October 1954, titled "Fort Crowder, Missouri Master Plan Basic Information Maps Reservation Boundary and Land Use Map" on file with the Chief of Engineers, United States Army, and more particularly described as follows:

Fort Crowder.
Military Reservation.
Conveyance.

Starting point northwest corner section 4, township 24, north, range 32 west described as follows: South 89 degrees 17 minutes east 1313.47 feet, south 89 degrees 17 minutes east 1313.47 feet, south 89 degrees 28 minutes 15 seconds east 1320.03 feet, south 89 degrees 28 minutes 15 seconds east 1320.03 feet, and that part of the northwest corner, section 3, south 89 degrees 05 minutes 15 seconds east 550 feet thence south 02 degrees 44 minutes 45 seconds west 1356 feet, thence north 89 degrees 05 minutes 15 seconds west 550 feet, through section four north 89 degrees 28 minutes 15 seconds west 1320.03 feet, north 89 degrees 28 minutes 15 seconds west 1320.03 feet, north 89 degrees 17 minutes west 1313.47 feet, north 89 degrees 17 minutes west 1313.47 feet, thence north 02 degrees 44 minutes 45 seconds east 1356 feet, to the point of beginning, in all containing 180.9 acres more or less, all in Newton County, State of Missouri.

SEC. 2. All mineral rights, including gas and oil in the lands authorized to be conveyed by this Act shall be reserved to the United States.

Approved August 28, 1958.

their actual residences at the time of appointment or a point not more distant: *Provided*, That such appointees agree in writing to remain with the United States Government for a period of not less than twelve months from the time of appointment.

Violation of such agreement for personal convenience of an employee or because of separation for misconduct will bar such return payments and, if determined by the Director or his designee to be in the best interests of the United States, any money expended by the United States on account of such travel and transportation shall be considered as a debt due by the individual concerned to the United States.

(b) In accordance with such regulations as the President may prescribe and notwithstanding the provisions of section 1765 of the Revised Statutes (5 U. S. C. 70), the Director is authorized to grant to any officer or employee of the Agency allowances in accordance with the provisions of section 901 (1) and 901 (2) of the Foreign Service Act of 1946.

Allowances.

60 Stat. 1025, 1026.
22 U. S. C. § 1131
(1), (2).

GENERAL AUTHORITIES

SEC. 6. In the performance of its functions, the Central Intelligence Agency is authorized to—

(a) Transfer to and receive from other Government agencies such sums as may be approved by the Bureau of the Budget, for the performance of any of the functions or activities authorized under sections 102 and 303 of the National Security Act of 1947 (Public Law 253, Eightieth Congress), and any other Government agency is authorized to transfer to or receive from the Agency such sums without regard to any provisions of law limiting or prohibiting transfers between appropriations. Sums transferred to the Agency in accordance with this paragraph may be expended for the purposes and under the authority of this Act without regard to limitations of appropriations from which transferred;

Transfer of funds.

61 Stat. 497, 507.
50 U. S. C., Supp.
II, §§ 403, 405; 5 U. S.
C., Supp. II, § 171j.
Post, p. 536.

(b) Exchange funds without regard to section 3651 Revised Statutes (31 U. S. C. 543);

(c) Reimburse other Government agencies for services of personnel assigned to the Agency, and such other Government agencies are hereby authorized, without regard to provisions of law to the contrary, so to assign or detail any officer or employee for duty with the Agency;

Detail of employees
from other agencies.

(d) Authorize couriers and guards designated by the Director to carry firearms when engaged in transportation of confidential documents and materials affecting the national defense and security;

(e) Make alterations, improvements, and repairs on premises rented by the Agency, and pay rent therefor without regard to limitations on expenditures contained in the Act of June 30, 1932, as amended: *Provided*, That in each case the Director shall certify that exception from such limitations is necessary to the successful performance of the Agency's functions or to the security of its activities.

Repairs, etc., on
rented property.

47 Stat. 332, 412.
40 U. S. C. § 278a.

SEC. 7. In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 102 (d) (3) of the National Security Act of 1947 (Public Law 253, Eightieth Congress, first session) that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of sections 1 and 2, chapter 795 of the Act of August 28, 1935 (49 Stat. 956, 957; 5 U. S. C. 654), and the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency: *Provided*, That in furtherance of this section, the Director of the Bureau of the Budget shall make no reports to the Congress in connection with the Agency

Exemption from
publication of certain
data.

61 Stat. 493.
50 U. S. C., Supp.
II, § 403 (d) (3).

59 Stat. 304.
Entry of certain
aliens into U. S.

Limitation on num-
ber.

Professional and
scientific personnel.

Compensation.

under section 607, title VI, chapter 212 of the Act of June 30, 1945, as amended (5 U. S. C. 947 (b)).

SEC. 8. Whenever the Director, the Attorney General, and the Commissioner of Immigration shall determine that the entry of a particular alien into the United States for permanent residence is in the interest of national security or essential to the furtherance of the national intelligence mission, such alien and his immediate family shall be given entry into the United States for permanent residence without regard to their inadmissibility under the immigration or any other laws and regulations, or to the failure to comply with such laws and regulations pertaining to admissibility: *Provided*, That the number of aliens and members of their immediate families entering the United States under the authority of this section shall in no case exceed one hundred persons in any one fiscal year.

SEC. 9. The Director is authorized to establish and fix the compensation for not more than three positions in the professional and scientific field, within the Agency, each such position being established to effectuate those scientific intelligence functions relating to national security, which require the services of specially qualified scientific or professional personnel: *Provided*, That the rates of compensation for positions established pursuant to the provisions of this section shall not be less than \$10,000 per annum nor more than \$15,000 per annum, and shall be subject to the approval of the Civil Service Commission.

APPROPRIATIONS

SEC. 10. (a) Notwithstanding any other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out its functions, including—

60 Stat. 903.

6 U. S. C., Supp.
II, § 14.

(1) personal services, including personal services without regard to limitations on types of persons to be employed, and rent at the seat of government and elsewhere; health-service program as authorized by law (5 U. S. C. 150); rental of news-reporting services; purchase or rental and operation of photographic, reproduction, cryptographic, duplication and printing machines, equipment and devices, and radio-receiving and radio-sending equipment and devices, including telegraph and teletype equipment; purchase, maintenance, operation, repair, and hire of passenger motor vehicles, and aircraft, and vessels of all kinds; subject to policies established by the Director, transportation of officers and employees of the Agency in Government-owned automotive equipment between their domiciles and places of employment, where such personnel are engaged in work which makes such transportation necessary, and transportation in such equipment, to and from school, of children of Agency personnel who have quarters for themselves and their families at isolated stations outside the continental United States where adequate public or private transportation is not available; printing and binding; purchase, maintenance, and cleaning of firearms, including purchase, storage, and maintenance of ammunition; subject to policies established by the Director, expenses of travel in connection with, and expenses incident to attendance at meetings of professional, technical, scientific, and other similar organizations when such attendance would be a benefit in the conduct of the work of the Agency; association and library dues; payment of premiums or costs of surety bonds for officers or employees without regard to the provisions of 61 Stat. 646; 6 U. S. C. 14; payment of claims pursuant to 28 U. S. C.; acquisition of necessary land and the clearing of such land; construction of buildings and facilities without regard to 36 Stat. 699; 40 U. S. C. 259, 267; repair, rental, operation, and

over

maintenance of buildings, utilities, facilities, and appurtenances; and

(2) supplies, equipment, and personnel and contractual services otherwise authorized by law and regulations, when approved by the Director.

(b) The sums made available to the Agency may be expended without regard to the provisions of law and regulations relating to the expenditure of Government funds; and for objects of a confidential, extraordinary, or emergency nature, such expenditures to be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount therein certified.

SEPARABILITY OF PROVISIONS

SEC. 11. If any provision of this Act, or the application of such provision to any person or circumstances, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SHORT TITLE

SEC. 12. This Act may be cited as the "Central Intelligence Agency Act of 1949".

Approved June 20, 1949.

[CHAPTER 228]

AN ACT

To amend section 16-415 of the Code of Laws of the District of Columbia, to provide for the enforcement of court orders for the payment of temporary and permanent maintenance in the same manner as directed to enforce orders for permanent alimony.

June 20, 1949
[S. 1125]
[Public Law 111]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 3, 1901 (31 Stat. 1346, ch. 854, sec. 980), otherwise known as section 16-415 of the Code of Laws of the District of Columbia, 1940 edition, is amended to read as follows:

D. C. Code, amendment.

"Whenever any husband shall fail or refuse to maintain his wife and minor children, if any, although able so to do, the court, on application of the wife, pendente lite and permanently, may decree that he shall pay her, periodically, such sums as would be allowed to her as pendente lite or permanent alimony in case of divorce for the maintenance of herself and the minor children, if any, committed to her care by the court, and the payment thereof may be enforced in the same manner as directed in regard to the payment of permanent alimony."

Maintenance of wife and minor children.

Approved June 20, 1949.

[CHAPTER 229]

AN ACT

To amend section 16-418 of the Code of Laws of the District of Columbia, to provide that an attorney be appointed by the court to defend all uncontested annulment cases.

June 20, 1949
[S. 1132]
[Public Law 112]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 3, 1901 (31 Stat. 1347, ch. 854, sec. 982), otherwise known as section 16-418 of the Code of Laws of the District of Columbia, 1940 edition, is amended to read as follows:

D. C. Code, amendment.

"In all uncontested divorce or annulment cases, and in any other divorce or annulment case where the court may deem it necessary

Attorney in uncontested divorce or annulment cases.